

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VALLEY NATIONAL BANK,

Plaintiff,

-v.-

SLM MILLEDGEVILLE, LLC; SLM
CAMILLA, LLC; SENIOR LIVING
PROPERTIES – MILLEDGEVILLE, LLC;
SENIOR LIVING PROPERTIES –
CAMILLA, LLC; URI RUBIN; DENNIS L.
WAGNER; CHUAN S. WANG; AND
ANDREW HSU,

Defendants.

25 Civ. 03824 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

Plaintiff brings this action alleging that Defendants (i) breached a 2019 loan agreement (the “Loan”) and promissory note by “fail[ing] to timely make payments” and “fail[ing] to repay” the Loan after its maturity date; (ii) violated related guaranties; and (iii) defaulted on an agreement for a credit card facility. ECF No. 1 at 11-13. On May 7, 2025, Plaintiff filed a proposed Order to Show Cause seeking, *inter alia*, the appointment of KCP Advisory Group (“KCP”) as “receiver for 61 Marshall Road, Milledgeville, GA 31061 . . . and 161 E. Broad Street, Camilla, GA 31730 . . . during the pendency of this action.” ECF No. 4 at 1. Plaintiff cites an “urgent need” for this relief, given (i) “the parties’ express agreements providing for” appointment of a receiver “upon an event of default”; (ii) “the imminent risk to Plaintiff’s collateral”; and (iii) “the lack of an adequate legal remedy to protect Plaintiff’s interest, as well as the likelihood Plaintiff will succeed on the merits.” ECF No. 7 at 6.

On May 12, 2025, the Court directed Defendants to show cause “why an order should not be issued pursuant to Rule 66 of the Federal Rules of Civil Procedure . . . appointing KCP as receiver . . . during the pendency of this action.” ECF No. 12 at 2. The Court also scheduled a

hearing for May 23, 2025 and ordered Defendants to file their memorandum of law in opposition, if any, by May 19, 2025 and Plaintiff to file a reply in further support of its motion by May 22, 2025. *Id.*

On May 22, 2025, Defendants not having appeared, the Court issued an Order directing Defendants to inform the Court whether they intended to oppose Plaintiff's request, and, if they intended to oppose, to propose an expedited briefing schedule. *See* ECF No. 17. The Court also cautioned that, "[i]f Defendants fail[ed] to respond, the Court [would] treat Plaintiff's request for appointment of a receiver as unopposed," and ordered Plaintiff to email notice of the Order to Defendants. *Id.*

That same day, Plaintiff filed a letter stating that Plaintiff and Defendants SLM Milledgeville, LLC, SLM Camilla, LLC, Senior Living Properties – Milledgeville, LLC, and Senior Living Properties – Camilla, LLC (collectively, the "Corporate Defendants") had "engaged in productive settlement discussions that may lead to a framework for the consensual resolution of this matter." ECF No. 18. Plaintiff and the Corporate Defendants requested an adjournment of the show cause hearing scheduled for May 23, 2025 to June 3, 2025, "to allow these discussions to continue." *Id.* The Court adjourned the hearing to June 3, 2025. *See* ECF No. 19. Defendants have not opposed Plaintiff's motion or otherwise appeared.

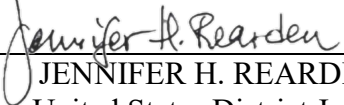
By **6:00 p.m.** today, **June 2, 2025**, Plaintiff shall file a letter updating the Court on the status of this matter.

Because Defendants have not appeared, the Court directs Plaintiff to email this Order to Defendants by **2:00 p.m.** today, **June 2, 2025**.

By **8:00 p.m.** today, Plaintiff shall email to Defendants its forthcoming letter to the Court. Proof of service of this Order and of Plaintiff's letter shall be filed on the docket.

SO ORDERED.

Dated: June 2, 2025
New York, New York



JENNIFER H. REARDEN
United States District Judge